

TO: Mail Stop 8  
 Director of the U.S. Patent & Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**REPORT ON THE  
 FILING OR DETERMINATION OF AN  
 ACTION REGARDING A PATENT OR  
 TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been

filed in the U.S. District Court Northern District of California on the following

Patents or

Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
CV 08-05129 RS	11/12/2008	280 South First Street, Rm 2112, San Jose, CA 95113
PLAINTIFF	DEFENDANT	
VOLTERRA SEMICONDUCTOR	PRIMARION INC	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,278,264		SEE ATTACHED COMPLAINT
2 6,462,522		
3 6,713,823		
4 6,030,729		
5 6,225,795		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
2					
3					
4					
5					

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
Richard W. Wiekling	Betty Walton	November 13, 2008

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Volterra Semiconductor Corporation hereby demands a trial by jury on all issues so triable.

DATED: November 12, 2008

FARELLA BRAUN & MARTEL LLP

By: Jeffrey M. Fisher

Jeffrey M. Fisher

Attorneys for Plaintiff

Attorneys for Plaintiff  
**VOLTERRA SEMICONDUCTOR  
CORPORATION**

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ORIGINAL  
FILED

NOV 12 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

9 Attorneys for Plaintiff  
10 VOLTERRA SEMICONDUCTOR CORPORATION

RS

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 VOLTERRA SEMICONDUCTOR  
14 CORPORATION, a Delaware corporation,

CV 08 5129

15 Case No. \_\_\_\_\_

16 PLAINTIFF VOLTERRA  
17 SEMICONDUCTOR CORPORATION'S  
18 COMPLAINT FOR PATENT  
19 INFRINGEMENT

20 DEMAND FOR JURY TRIAL

21 Plaintiff,  
22 vs.  
23 PRIMARION, INC. a Delaware  
24 corporation, INFINEON  
25 TECHNOLOGIES AG, a German  
26 corporation, and INFINEON  
27 TECHNOLOGIES NORTH AMERICA  
28 CORPORATION, a Delaware corporation,

Defendants.

29 Plaintiff Volterra Semiconductor Corporation ("Volterra") hereby alleges as follows:

30 PARTIES

31 1. Plaintiff Volterra is a Delaware corporation with its principal place of business in  
32 Fremont, California, and is registered to do and is doing business in the State of California.  
33 Volterra designs, develops, and markets proprietary, high-performance analog and mixed-signal  
34 power management semiconductors for the computing, storage, networking, and consumer

35 VOLTERRA SEMICONDUCTOR CORPORATION'S  
36 COMPLAINT FOR PATENT INFRINGEMENT

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COPY

1 markets. Volterra's core products are integrated voltage regulator semiconductors and scalable  
2 voltage regulator semiconductor chipsets that are used to transform, regulate, deliver, and monitor  
3 the power consumed by digital semiconductors, such as microprocessors, graphics processors,  
4 digital signal processors, and memory. Volterra's power management solutions are incorporated  
5 into products from leading system designers.

6 2. Volterra is informed and believes, and on that basis alleges, that Defendant  
7 Primarion, Inc. ("Primarion") is a Delaware corporation with its principal place of business in  
8 Torrance, California, and is registered to do and is doing business in the State of California.

9 3. Volterra is informed and believes, and on that basis alleges, that Defendant  
10 Infineon Technologies AG ("Infineon") is a German corporation headquartered in Neubiberg,  
11 Germany. According to Infineon's June 30, 2008 Quarterly Report, Infineon acquired Primarion  
12 on April 28, 2008 for cash consideration of \$50 million "plus a contingent performance-based  
13 payment of up to \$30 million, in order to further strengthen [Infineon's] activities in the field of  
14 power management applications."

15 4. Volterra is informed and believes, and on that basis alleges, that Defendant  
16 Infineon operates in the United States by, among other things, offering its products for sale  
17 through its subsidiary Infineon Technologies North America Corporation ("Infineon N.A.").  
18 Volterra is informed and believes, and on that basis alleges, that Defendant Infineon N.A. is a  
19 Delaware corporation with its principal place of business in Milpitas, California, and is registered  
20 to do and is doing business in the State of California.

21 **JURISDICTION AND VENUE**

22 5. This is an action for patent infringement arising under the patent laws of the  
23 United States, codified at 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over  
24 this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

25 6. Defendants are subject to personal jurisdiction in this judicial district because, on  
26 information and belief, Primarion's principal place of business is in California, Infineon N.A.'s  
27 principal place of business is in the Northern District of California, and the Defendants'  
28 infringing activities have occurred and continue to occur in this district. Volterra is further

1 informed and believes, and on that basis alleges, that the accused products have been advertised,  
2 marketed, promoted, and offered for sale by the Defendants in this district. Indeed, Volterra is  
3 informed and believes, and on that basis alleges, that a Primarion representative publicly  
4 discussed, promoted, and offered to sell the accused products at a September 2008 industry  
5 conference in Burlingame, California. Volterra is further informed and believes, and on that basis  
6 alleges, that Defendants have provided evaluation kits containing the accused products to  
7 potential customers in this district in an effort to solicit sales of such products.

8           7.       Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) and  
9       28 U.S.C. § 1400(b).

## **INTRADISTRICT ASSIGNMENT**

11       8.     This is an intellectual property action and is therefore exempt from intradistrict  
12 assignment under Civil Local Rule 3-2(c). Pursuant to Civil Local Rule 3-2(c), intellectual  
13 property actions are assigned on a district-wide basis.

**FIRST CLAIM FOR RELIEF**

[Infringement of U.S. Patent No. 6,278,264]

16 9. Volterra adopts and incorporates by reference the allegations of paragraphs 1  
17 through 8 above as if fully set forth herein.

18        10. On August 21, 2001, the United States Patent and Trademark Office duly and  
19 legally issued United States Patent No. 6,278,264, entitled "Flip-Chip Switching Regulator" (the  
20 "264 Patent"), to inventors Andrew J. Burstein and Charles Nickel. A true and correct copy of  
21 the '264 Patent is attached hereto as Exhibit A.

22 11. Volterra is the owner by assignment of all rights, title and interest in the '264  
23 Patent.

24       12. Volterra is informed and believes and on that basis alleges that, in violation of 35  
25 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily  
26 and/or by inducement, the '264 Patent by making, using, offering to sell, and/or selling integrated  
27 power stages for voltage regulator applications and related products within the United States  
28 and/or by importing such products into the United States.

1           13. On information and belief, Defendants' infringement of the '264 Patent has been  
2 and continues to be willful and deliberate and with full knowledge of said patent.

3           14. On information and belief, Defendants will continue to infringe the '264 Patent,  
4 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'  
5 infringement is enjoined by this Court.

6           15. Volterra has suffered damages as a result of Defendants' infringement, and will  
7 continue to do so unless Defendants' infringement is enjoined by this Court.

8           **SECOND CLAIM FOR RELIEF**

9           **[Infringement of U.S. Patent No. 6,462,522]**

10          16. Volterra adopts and incorporates by reference the allegations of paragraphs 1  
11 through 8 above as if fully set forth herein.

12          17. On October 8, 2002, the United States Patent and Trademark Office duly and  
13 legally issued United States Patent No. 6,462,522, entitled "Transistor Pattern For Voltage  
14 Regulator" (the "'522 Patent"), to inventors Andrew J. Burstein and Charles Nickel. A true and  
15 correct copy of the '522 Patent is attached hereto as Exhibit B.

16          18. Volterra is the owner by assignment of all rights, title and interest in the '522  
17 Patent.

18          19. Volterra is informed and believes and on that basis alleges that, in violation of 35  
19 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily  
20 and/or by inducement, the '522 Patent by making, using, offering to sell, and/or selling integrated  
21 power stages for voltage regulator applications and related products within the United States  
22 and/or by importing such products into the United States.

23          20. On information and belief, Defendants' infringement of the '522 Patent has been  
24 and continues to be willful and deliberate and with full knowledge of said patent.

25          21. On information and belief, Defendants will continue to infringe the '522 Patent,  
26 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'  
27 infringement is enjoined by this Court.

22. Volterra has suffered damages as a result of Defendants' infringement, and will continue to do so unless Defendants' infringement is enjoined by this Court.

### THIRD CLAIM FOR RELIEF

**[Infringement of U.S. Patent No. 6,713,823]**

23. Volterra adopts and incorporates by reference the allegations of paragraphs 1 through 8 above as if fully set forth herein.

24. On March 30, 2004, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,713,823, entitled "Conductive Routings In Integrated Circuits" (the "823 Patent"), to inventor Charles Nickel. A true and correct copy of the '823 Patent is attached hereto as Exhibit C.

25. Volterra is the owner by assignment of all rights, title and interest in the '823 Patent.

26. Volterra is informed and believes and on that basis alleges that, in violation of 35 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily and/or by inducement, the '823 Patent by making, using, offering to sell, and/or selling integrated power stages for voltage regulator applications and related products within the United States and/or by importing such products into the United States.

27. On information and belief, Defendants' infringement of the '823 Patent has been and continues to be willful and deliberate and with full knowledge of said patent.

28. On information and belief, Defendants will continue to infringe the '823 Patent, and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants' infringement is enjoined by this Court.

29. Volterra has suffered damages as a result of Defendants' infringement, and will continue to do so unless Defendants' infringement is enjoined by this Court.

#### **FOURTH CLAIM FOR RELIEF**

[Infringement of U.S. Patent No. 6,020,729]

30. Volterra adopts and incorporates by reference the allegations of paragraphs 1 through 8 above as if fully set forth herein.

31. On February 1, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,020,729, entitled "Discrete-Time Sampling Of Data For Use In Switching Regulators" (the "729 Patent"), to inventors Anthony J. Stratakos, David B. Lidsky, and William A. Clark. A true and correct copy of the '729 Patent is attached hereto as Exhibit D.

32. Volterra is the owner by assignment of all rights, title and interest in the '729 Patent.

33. Volterra is informed and believes and on that basis alleges that, in violation of 35 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily and/or by inducement, the '729 Patent by making, using, offering to sell, and/or selling semiconductor products for voltage regulator applications within the United States and/or by importing such products into the United States.

34. On information and belief, Defendants' infringement of the '729 Patent has been and continues to be willful and deliberate and with full knowledge of said patent.

35. On information and belief, Defendants will continue to infringe the '729 Patent, and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants' infringement is enjoined by this Court.

36. Volterra has suffered damages as a result of Defendants' infringement, and will continue to do so unless Defendants' infringement is enjoined by this Court.

**FIFTH CLAIM FOR RELIEF**

[Infringement of U.S. Patent No. 6,225,795]

37. Volterra adopts and incorporates by reference the allegations of paragraphs 1 through 8 above as if fully set forth herein.

38. On May 1, 2001, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,225,795, entitled "Discrete-Time Sampling Of Data For Use In Switching Regulators" (the "795 Patent"), to inventors Anthony J. Stratakos, David B. Lidsky, and William A. Clark. A true and correct copy of the '795 Patent is attached hereto as Exhibit E.

1           39. Volterra is the owner by assignment of all rights, title and interest in the '795  
2 Patent.

3           40. Volterra is informed and believes and on that basis alleges that, in violation of 35  
4 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily  
5 and/or by inducement, the '795 Patent by making, using, offering to sell, and/or selling  
6 semiconductor products for voltage regulator applications within the United States and/or by  
7 importing such products into the United States.

8 41. On information and belief, Defendants' infringement of the '795 Patent has been  
9 and continues to be willful and deliberate and with full knowledge of said patent.

10       42.     On information and belief, Defendants will continue to infringe the '795 Patent,  
11 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'  
12 infringement is enjoined by this Court.

13 43. Volterra has suffered damages as a result of Defendants' infringement, and will  
14 continue to do so unless Defendants' infringement is enjoined by this Court.

## PRAYER FOR RELIEF

16 WHEREFORE, Volterra prays as follows:

17 1. For a judgment declaring that Defendants have, directly, indirectly, contributorily  
18 and/or by inducement, willfully infringed the patents-in-suit;

19       2. For preliminary and permanent injunctions enjoining Defendants and their  
20 officers, directors, agents, servants, employees, attorneys, successors and assigns, and all other  
21 persons acting in concert or participation with them, from infringing, inducing others to infringe,  
22 or contributing to the infringement of the patents-in-suit;

23       3.     For an award of damages pursuant to 35 U.S.C. § 284, including interest, adequate  
24 to compensate Volterra for Defendants' infringement of the patents-in-suit;

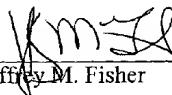
25       4.      For an award of enhanced damages pursuant to 35 U.S.C. § 284, including interest,  
26 for Defendants' willful and deliberate acts of infringement;

27       5. For a judgment declaring this case exceptional under 35 U.S.C. § 285, and for an  
28 award of attorneys' fees, costs, and expenses; and

1 6. For such other and further relief as this Court deems just and proper.  
2

3 Dated: November 12, 2008

FARELLA BRAUN & MARTEL LLP

4  
5 By:   
6 Jeffrey M. Fisher

7 Attorneys for Plaintiff  
8 VOLTERRA SEMICONDUCTOR  
9 CORPORATION

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